

Mr Ian Blayney; Mr Ben Wyatt; Dr Kim Hames; Mr Roger Cook; Mr John McGrath; Mr Peter Tinley; Mrs
Glenys Godfrey; Mr Vincent Catania

Division 27: Aboriginal Affairs, \$31 895 000 —

Mr I.C. Blayney, Chairman.

Dr K.D. Hames, Minister for Health representing the Minister for Aboriginal Affairs.

Mr C. Weeks, Director General.

Mr A. Rayner, Acting Deputy Director General.

Mr N. Thomson, Chief Land Officer.

Mr G. Kar, Executive Director, Corporate Services.

Mr J. Curtis, Acting Executive Director, Community Development.

Ms M. Hayes, Chief of Staff, Office of the Minister for Health.

Mr C. Warner, Principal Policy Adviser, Office of the Minister for Health.

The CHAIRMAN: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day.

It is the intention of the Chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item program or amount in the current division. It will greatly assist Hansard if members can give these details in preface to their question.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by Friday, 19 June 2015. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office.

I now ask the minister to introduce his advisers to the committee.

[Witnesses introduced.]

The CHAIRMAN: Member for Victoria Park.

Mr B.S. WYATT: I refer to the first service, "Heritage Management", in the service summary on page 298 of the *Budget Statements*. I refer to the definitive decision by Justice Chaney in *Robinson v Fielding*. Can the minister confirm that 22 sites were deregistered under the now invalid guidelines in section 5 of the Aboriginal Heritage Act? Can he also provide us with any information about sites that were assessed under those guidelines that Justice Chaney found to be in breach of the act and were not found to be sites?

[2.10 pm]

Dr K.D. HAMES: The director general will answer that question.

Mr C. Weeks: I will get to the exact numbers. We are still going through the hard copy files for the Aboriginal Cultural Material Committee meetings. The initial number was 22 sites, but it is now over 30 sites. There is a process for the department to go through on each of those decisions.

Mr B.S. WYATT: Are those sites that were deregistered as a result?

Mr C. Weeks: Yes, that is right.

I will refer the second part of the question to Aaron Rayner.

Mr A. Rayner: It is in the region of 30 sites, but at the moment we are still firming up those numbers. The *Robinson v Fielding* decision focused on section 5(b) of the Aboriginal Heritage Act 1972 and the guidelines extended to subsections (a), (c) and (d). Justice Chaney found that the interpretation of section 5(b) of those guidelines was too narrow. He focused on section 5(b) and not the other subsections.

Mr B.S. WYATT: The second part of my question is about any decisions made to not register sites under the flawed guidelines. Over 30 sites were deregistered and many were not registered at all. Of the sites that were considered, how many were the incorrect guidelines applied to and they were found not to be sites?

Dr K.D. HAMES: Mr Rayner will answer that question.

Mr A. Rayner: Under section 5(b), it is in the region of 30 sites, but we are still firming up those numbers.

Mr B.S. WYATT: It is the same number.

What will happen once the department has settled on the number of deregistered sites? What process is the department setting up to effectively apply that Supreme Court decision?

Mr C. Weeks: The process is that we now need to go back and check how each of those decisions was made, and then the ACMC will make the final decision.

Mr B.S. WYATT: Has a time frame been set to have this done by?

Mr C. Weeks: We are trying to do it as fast as we can, but at this stage it could be six months.

Mr B.S. WYATT: I assume the department does not want to have more litigation on this and would prefer to respond to the decision. So, that will be within the next six months.

Dr K.D. HAMES: Can I just ask whether Mr Rayner wants to provide further commentary on the question.

Mr A. Rayner: We have a dedicated project team looking at this. As Cliff said, the time frames are a little uncertain at the moment, but it is a very serious issue and we are taking it very seriously, and we have allocated resources to get through it as quickly as we can, but, importantly, we want to get it right. We immediately took down the guidelines from the website and we have gone back to the State Solicitor to seek a bit more clarification. I know there was a subsequent flaw in the guidelines, but people found them useful, so we are looking to get a better standard of guideline into the community as soon as possible.

Mr B.S. WYATT: Presumably, the department is now using the interpretation or application of section 5 that was in place prior to the legal advice that led to those guidelines.

Mr A. Rayner: We are using that and the principles outlined in Justice Chaney's decision.

Dr K.D. HAMES: The director general wants to add to that.

Mr C. Weeks: We need to go through the sites, but we also need to go through the process of notifying 12 000 land users that their land is now potentially covered by a site. One can imagine the enormity of the task of preparing that information and sending it to land users in such a way that they do not balk at the significance of that, but at the same time they need to be aware of their responsibilities.

Mr B.S. WYATT: Obviously, that is important and it needs to be done. Will Aboriginal groups be briefed about these changes? I know a briefing will be provided by the department to the Chamber of Minerals and Energy of Western Australia next week or this week about the implications of *Robinson v Fielding*. Will a similar courtesy be given to the Aboriginal groups?

Mr C. Weeks: Absolutely.

Mr B.S. WYATT: Excellent.

Mr R.H. COOK: My question refers to services and key efficiency indicators and heritage management on page 300. Point 4 states —

Average Time to Complete Initial Assessment increased from 3 days in 2013–14 to 7.6 days in 2014–15 due to a more comprehensive initial assessment.

Could the minister provide some details about the comprehensive initial assessment and how it differs from the way in which heritage applications were managed previously?

Mr A. Rayner: The previous process relied very much on the existing records. As the member knows, the department has a vast array of records—some 40 000 records. We have relied very much on the information we received in the complaint and the records that we held. The process we have now adopted has extended that to include other parties, including maybe land councils or other representative bodies that may have an interest or fuller knowledge. This is based on a complaint, so the initial assessment is really designed to see whether we will go forward to see whether there is some merit or substance to the complaint to go to the next stage. We are taking more time on the initial assessment before we move and allocate resources to the next stage.

Mr R.H. COOK: Would the minister's assessment be that even though there is an initial assessment of 7.6 days, it has actually reduced the time available to deal with heritage applications, which I assume are under section 18, and other inquiries?

Mr A. Rayner: The measure may be a bit confusing. The measure relates to complaints. That is the initial assessment we make when a complaint comes in; it is not related to a statutory application.

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Mr J.E. McGRATH: My question refers to the desired outcome on page 298 that states —

Improving accountability for the delivery of outcomes for Aboriginal people from government investments.

I note that it has been two years since the Aboriginal affairs cabinet subcommittee that we have read about recently was established. Can the minister please provide an outline of the key outcomes that that subcommittee has been able to achieve?

Dr K.D. HAMES: I am on that subcommittee. I advise the member that because it is a cabinet subcommittee, my ability to provide details of what the subcommittee is doing is restricted. I will ask the director general to provide a more general response.

Mr C. Weeks: The member would have seen some of the subcommittee's key activities in the media recently. The youth expenditure review gave the government some information that, I guess, it did not like to hear about the effectiveness of some of its programs not being fantastic. The cabinet subcommittee was instrumental in designing what is now a reform process. These reforms are around getting tighter time frames for grant agreements and ensuring that services are really aligned. We have a lot of agencies that go in with the best intentions, spending money in different areas. Real reform is getting government agencies to target their priorities and ensure that they expend dollars in an efficient way.

Mr P.C. TINLEY: I refer to the explanation of significant movements on page 301. I think the three points are interrelated. Point 3 states —

The Average Cost per 1,000 of Aboriginal Population has decreased from \$142,070 in 2013–14 to \$58,199 in the 2015–16 Budget Target due to the significant reduction in Total Cost of Service discussed in Note 1.

Note 1 states —

... to better align service delivery to strategy.

Is the strategy to reduce the cost of services, the level of services or the reliance on services?

[2.20 pm]

Dr K.D. HAMES: I will just clarify that we are talking about land management services on the previous page. I will hand over to the director general to respond.

Mr C. Weeks: Was that about accountable government?

Mr P.C. TINLEY: Yes.

Mr C. Weeks: The strategy is really about improving outcomes for Aboriginal people. The efficiency measure is making sure that investment is achieving that outcome. Obviously, we are trying to get the same outcomes with a smaller investment. That is the efficiency indicator: We are trying to get better outcomes with less money.

Mr P.C. TINLEY: The department is spending less but it is hopeful of getting more.

Dr K.D. HAMES: I think that is what the director general said.

Mr P.C. TINLEY: How is the department going so far?

Mr C. Weeks: In closing the gap in early childhood development and education, things are getting better. In other areas, there is still a lot of work to be done. Most people have recognised the amount of investment needed in things such as corrective services in the justice system. We would like to get more efficient at that but obviously not have Aboriginal people in jail. There is over expenditure.

Mr P.C. TINLEY: Maybe I am driving at how the department measures its efficiencies and effectiveness. What are the KPIs that deliver more bang for the buck, or for fewer bucks?

Mr C. Weeks: The national reporting standards are through Closing the Gap. There are building blocks, and for each of those building blocks an indicator demonstrates whether progress has been made. I do not have that in front of me but I am quite prepared to provide it. I think the Deputy Premier spoke in Parliament earlier in the year on Closing the Gap Day about some figures in different areas.

Mr P.C. TINLEY: Could I get that from the minister?

Dr K.D. HAMES: The “Closing the Gap: Prime Minister’s Report 2015” is available online.

The CHAIRMAN: Member, are you happy?

Mr P.C. TINLEY: I am happy.

Mrs G.J. GODFREY: I refer to page 298 of the *Budget Statements* and the desired outcome of improving accountability for the delivery of outcomes for Aboriginal people from government investments. What has the state government done to improve accountability in the delivery of outcomes for Aboriginal youth?

Dr K.D. HAMES: I will ask the DG to respond.

Mr C. Weeks: I think I just mentioned the youth expenditure review. I can touch on some extra elements of that if the member would like, unless she feels that I have answered the question.

Mrs G.J. GODFREY: I do need that information.

Mr C. Weeks: Services and investment reform will result in a more effective future spend. It will invest in services that demonstrate performance, prepare young people for school and keep them in school, build and sustain positive relationships with young people and are locally relevant and designed and delivered in partnership with local communities and not-for-profit service providers. As I mentioned before, it is about greater certainty for funding and ensuring that the government is funding services that produce results for young Aboriginal people in the community. They are the key points. We need to carry out those services with more consultation with the not-for-profit sector and Aboriginal groups. The main thing is that I do not think we have looked at youth services as an outcome area previously. The whole intent is to make that a priority of government. If we get it right with kids, we have a greater opportunity to get it right for adults.

Mrs G.J. GODFREY: Where do I see this information to track whether we are getting better? What reports do we look at to see how the department is tracking with this information? The director general spoke about a youth expenditure review.

Mr C. Weeks: The review is on our website; it is published on our website. Anyone can access that review. The review was done by the Department of the Premier and Cabinet. About five agencies supported that through a project board and a project team. The information was very comprehensive. I think something like 70 organisations played a role in that review. As I said, the information is available. In terms of how we measure that, we have national indicators. The department is now working on how we can get regional indicators and local indicators. As the member can imagine, that involves a mountain of work. We have the state perspective, but drilling that down to look at a place such as Roebourne or a discrete community takes a fair bit of time and effort. I think we can get to regional status. We have issues when we start drilling down to communities because privacy becomes much more of a concern. If we have only 50 people in a community and we are starting to talk about stats around child protection or contact with the justice system, it is harder to talk about those things without identifying people in communities.

Mr B.S. WYATT: I refer again to page 298 and the line item “Heritage Management” under the service summary. My question relates to the status of the amendments that have been introduced to the Aboriginal Heritage Act. They were introduced some time ago. I note that the member for Pilbara has expressed concern about those amendments and indicated that he would not support the Aboriginal Heritage Amendment Bill in its current form because of concerns that have been raised with him. I am interested in the status of that piece of legislation that has been introduced. Are there likely to be amendments to that bill; and, if so, when does the minister think it will be brought on for debate?

Dr K.D. HAMES: I am obviously the person who is managing it in this house. I have no further information from the department other than that it is sitting there waiting to go. I have heard public comments about the member for Pilbara. I have had discussions with him. In fact, I am aware of one amendment that he is suggesting that would be considered by government. I well recall the point the member for Victoria Park raised that I said is not in the bill; that is, if there is a new site, there is no requirement on government to assist that new site. Yes, there is; there has to be. The suggestion is that there should be a requirement to assess new sites. I think that would give a lot of Aboriginal people comfort. As for the rest of the bill, as the member knows, people have made criticisms, including Ian Viney. I will hand over to the DG to see whether there are any proposed changes to what is happening.

Mr C. Weeks: We are doing further work. We have heard some of the concerns. I was in a meeting in this place just prior to Christmas with a group of traditional owners who travelled down to Perth to share their concerns. I met with the member for Pilbara. Some of the key things involve some security around ensuring that Aboriginal people will be consulted. I have tried to explain it. I took along copies of the decision sheets from the last 12 Aboriginal Cultural Material Committee’s decisions. The committee does not consider an application unless Aboriginal people have been consulted. I showed the list of traditional owners who had been consulted on that section 18 approval. I just said that it is part of our business; it is locked in. The reason it has not been in the bill previously is, I guess, that there is caution around the place. If we raise consultation and put it in legislation, whom will we consult with?

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We do not always get agreement from Aboriginal groups in this space. The consultation can go on and on. Part of it is making sure that we give procedural fairness. That is one of the mistakes we made in the Justice Chaney decision that the member was talking about. For all intents and purposes, we can get that information only from Aboriginal people. No-one else can provide the ACMC or the department with information on how significant a site is to them. Consultation is something that we have spoken about.

The other theme was through an appeal process. Again, I think the Chaney decision and the Supreme Court process demonstrated that if stakeholder groups are not happy with the decisions, they should go to the Supreme Court. It is open and, from what I understand, it is not an overly expensive process.

Dr K.D. HAMES: As the member knows, it is extraordinarily difficult. I had the contract for Kings Park at one stage when I was out of government, doing Aboriginal heritage management for Kings Park. The first job I had to do was put together who should have a say in Kings Park. When we go through the genealogies of Aboriginal people who purport to represent the metropolitan area, perhaps only one or two of those people have any provable traditional links to the metropolitan area, yet some, such as the late Mr Robert Bropho, claimed knowledge of that area through his heritage, even though he came from nowhere near the metropolitan area. My recommendation was that all of those groups had to be consulted because the act requires that if people profess to have knowledge, then they should be, and similarly with the port up in Port Hedland. That decision is going to be made and I do not reflect on that, but talking to local Aboriginal groups around that area indicated they were strongly opposed to Ms Robinson—that she was from that area and should have a say. The decision has been made that it should. In light of that decision, I think the department needs to, and is going to, look at the legislation and reflect on those decisions, and make sure it is very clear. As the member knows, the old act had no requirement for anyone on the Aboriginal Cultural Material Committee to be of Aboriginal origin and no requirement for the director general to be of Aboriginal origin. Therefore, in theory, all decisions under the current system made about Aboriginal heritage require no Aboriginal involvement whatsoever. That is clearly unacceptable.

[2.30 pm]

Mr B.S. WYATT: I would expect that from a 1972 act.

Dr K.D. HAMES: That is right.

Mr R.H. COOK: What was the year of that act again?

Dr K.D. HAMES: It was a 1972 act, which clearly needs to change. The current act has significant Aboriginal involvement with no legal requirement to do so.

Mr B.S. WYATT: That is right. I would have thought that we will get the chance to fix that up in 2015, as opposed to the 1972 act, as the minister rightly points out.

It sounds as though at the very least there is a reassessment going on as a result of the decision by the Supreme Court. I caution against the idea that the Supreme Court is an open and accessible avenue to air grievances by anybody, simply because of the cost and the time required; hence, the question is whether there will be any stipulated role in the legislation for Aboriginal people. I note the director general's comment that it is locked in, I think he said—just not locked in in the legislation. I think that is a concern for many Aboriginal people. Are we expecting the amendment act to be on in the next couple of weeks or is it likely to be later in the year now?

Dr K.D. HAMES: I think the chances are it will be significantly delayed, without defining the word “significantly,” particularly because I have a Public Health Bill and a Healthway bill to get through as well. The chances are that we will be spending more time on that than we will on the heritage bill. The director general wants to add to that.

Mr C. Weeks: We are using that time to go through to find alternatives. We are not blind to the issues that have been raised. My opinion is that we need to make sure that people understand what the amendments mean. I think there have been a lot of mixed messages out there. I do not think we have played a great role in terms of giving the Aboriginal community comfort that we are not selling away any rights. It is about bringing the act up to speed. It is not a complete overhaul of the act; it is some administrative tweaks. There are some things in there about declarations and permits that are supposed to improve efficiencies, but there are efficiencies for Aboriginal people as well. I have sat on the ACMC for four years now, and one of the first issues that we dealt with was the number of applications that went into the committee and were just deferred and deferred. Part of looking at the role of the chief executive officer is that if the committee sits once every two months, the expectation that members get to spend a lot of time on these issues is unrealistic. The department should be looking at some of

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these things. It is my day job; every day we should be looking at heritage issues. Some of the amendments are really aligned to giving greater responsibility to the department to be able to run some of these processes.

Dr K.D. HAMES: As someone who has done Aboriginal heritage surveys over four years, in those days it was extraordinarily difficult to get stuff on that was not there anymore. We would do a survey, have a registered site like an artefact scatter, and we would go to that location and either the GPS position listed was wrong or the scatter no longer existed. The process to get that off was just about impossible. By the same token, so was getting clearly defined areas. Aboriginal people would put forward an area that they believed was a sacred site. Trying to get that through the department to get a decision made on the location and the boundaries and whether or not it was site was horrendously long. Most of them were never considered because they were too busy doing the day-to-day section 8 and applications that were coming in; it took them hours and hours just to do those. There is no doubt that efficiency changes are needed, including getting them better defined and getting those off that are not sites any longer.

Mr B.S. WYATT: We could make comments about this all day, Mr Chair; we will not.

Dr K.D. HAMES: Sorry, I apologise.

Mr B.S. WYATT: I think everyone agrees that the 1972 act needs to be amended. I think that was in broad agreement, but I do not think anyone agreed that all power would go to the hands of the CEO without any legislative requirement to speak to Aboriginal people. In my view, if that forms part of this reassessment process, that would be a good outcome. I do not have any specific questions left on this, so I will go back to the bottom of the list, please.

Mr R.H. COOK: I refer to page 299 of volume 1 of budget paper No 2, particularly the outcome for “Supporting the Western Australian Aboriginal community to independently determine and further their identified priorities”. The key performance indicators, for want of a better description here, present —

Percentage of direct stakeholders satisfied with services related to community development programs for Aboriginal people.

That shows that the satisfaction rating has gone from 87 per cent in 2013–14 to 65 per cent in 2014–15, which strikes me as an extraordinary drop, yet in 2015–16, the department’s aspirations are to simply hold that at this low level. Can the minister provide us with some details on how he has arrived at 65 per cent and what accounts for that significant drop in the satisfaction rating?

Dr K.D. HAMES: Not to make the DGs work harder, but looking at point two, the same applies going from 90 per cent to 65 per cent, so perhaps the DG could tell us about both of those?

Mr R.H. COOK: Yes, except my concern about the one I highlighted is that seems to be a survey of Aboriginal stakeholders, whereas the top one reads —

Percentage of direct stakeholders satisfied with the services related to the management of Aboriginal heritage.

If one of those is the Association of Mining and Exploration Companies or the Chamber of Minerals and Energy of Western Australia, I do not particularly care if they are not satisfied because we know the historic role that they have played in trying to destroy Aboriginal heritage. So, I focus my attention mainly on that last outcome.

Mr C. Weeks: We are going through those stakeholder surveys now so we do not have a result. The estimated actual is basically what the target is, so that is not a result yet. It will come through as part of the annual reporting process.

Mr R.H. COOK: My apologies, minister; it actually is an outcome.

Dr K.D. HAMES: Sorry, it sounds as though the work has not been done yet to find out a mechanism of estimating the actual. The estimate of the actual is only based on whatever the target is, not on the actual outcome. At some stage in the future it might better reflect the actual for 2013–14; perhaps in next year’s budget.

Mr C. Weeks: It is part of the annual reporting process. I think this was raised last year and we had a question about why we performed so well in two areas, and we did not perform that well in two other areas. We have had this outcome-based management for only three years now, so we did not necessarily want to just go in and change it without setting an appropriate baseline. We either have 65 per cent across the department or we then have different targets for different outcome areas. If we have achieved 90 per cent, I have no issue with raising the target—it should be something higher than 65 per cent—but I have to get advice about the implications for having different targets within the agency.

Mr R.H. COOK: Is that the same for heritage management as well?

Mr C. Weeks: That is right.

[2.40 pm]

Mr V.A. CATANIA: I refer to the details of controlled grants and subsidies on page 304. I want to find out what the figure of \$66 000 actually means in the line item “Stolen Wages”. In my electorate I still get quite a few people coming to me about stolen wages. I am wondering whether that amount is to do with what was presented to Aboriginal people a couple of years ago but in my experience did not fully capture everyone and give them the opportunity to apply for stolen wages. I am wondering whether the minister can explain a little about that stolen wages line.

Dr K.D. HAMES: I do not accept that it did not get to those people for whom it was intended. A lot of claims were made in the early days about people who should have got certain wages and there were two components to that. One component was that some people, particularly those who lived in places such as Sister Kate’s charity, went out from that organisation, obtained work and were paid a certain amount. They were then given a part of that amount by Sister Kate’s and the rest was put into an account on their behalf. A lot of people were in that position but it was very difficult to prove, very difficult to find the paperwork and very difficult to know for sure who they were. There were other groups. For example, one group of people were working on a pastoral lease largely for a small amount of money, sugar, flour and an occasional side of beef. When the decision was made that those people had to be paid a normal wage, many people were dismissed, if the member likes, and that is how we ended up with places like Balgo, where all those people went because they could not stay on the stations anymore. Those people said that they should have been paid those wages, that the wages were stolen and that they should be entitled to make a claim for stolen wages. That was never the intention of the stolen wage fund. The intention of the stolen wage fund was to recompense people for money that was actually theirs. The money was probably stuffed in an account somewhere, not used and then went back to government coffers. That is what those funds refer to. I was Minister for Aboriginal Affairs at the time the fund started and I went out with people from the department extensively looking for those people. There was a lot of counselling involved and a lot of opportunity provided for people to make bids. Not everybody who wanted to could make a bid because they had no evidence that they were part of the group for which the garnisheeing of wages occurred. Does the director general want to add anything to that?

Mr C. Weeks: I can. We had a total of 2 000 applications, of which 1 276 were deemed eligible for payment. I think our census data at the time indicated that there were only 3 000 Aboriginal people in the age cohort. We therefore thought that was a pretty good representation to ensure people understood the process was occurring. The process was advertised in the media, both in radio and in print. The program was extended by government at one point, I think for a further three months, to make sure that everyone had the opportunity to apply. The \$66 000 figure in the budget papers is an amount that we kept over for some of the appeals. We had an appeals process after the stolen wages process. We just kept some money in reserve in case some of the applications deemed ineligible were reversed and we would have to make a payment. That is what the money in the budget papers is for.

Mr P.C. TINLEY: I refer to delivery of services to the Nyoongar Patrol and the community patrols.

Dr K.D. HAMES: The member has to give a page, I am afraid.

Mr P.C. TINLEY: It is item 32 under “Delivery of Services” on page 297.

Dr K.D. HAMES: On which line is the Nyoongar Patrol?

Mr P.C. TINLEY: I do not know. It is in the delivery of services; it is a global figure. Is it the intention of the department to continue to control and manage the Aboriginal community patrols, or will they be transferred out?

Dr K.D. HAMES: I defer to the director general.

Mr C. Weeks: We have received advice I think from 11 out of the 12 service providers that they seek greater synergies with the sobering-up shelters that the Drug and Alcohol Office manages. The providers have approached us to see whether the service could be transferred to DAO. I have discussed that with the minister and he is supportive of it. I believe he has had conversations with Minister Morton as well, so we have gone through a process of seeing whether that can occur. It will not happen through this process of the budget papers but we will include DAO on our next round of, I guess, procurement of new service providers with the intent of that service being transferred over the next year.

Mr P.C. TINLEY: Just to be clear, has the decision been made that the Nyoongar Patrol and the community patrols will transfer to the Drug and Alcohol Office?

Dr K.D. HAMES: That is not exactly what the director general said, but it is being considered. That is my understanding of his answer.

Extract from Hansard

[ASSEMBLY ESTIMATES COMMITTEE A — Wednesday, 10 June 2015]

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Mr C. Weeks: There is certainly support for it. There are processes that will need to be gone through in terms of Treasury and the Treasurer approving that, but there is an intent for that to occur.

Mr P.C. TINLEY: Does that mean the appropriation will reduce or will service provision be handed over as well?

Dr K.D. HAMES: My assumption—I am getting a nod on my right—is that, as always, the money goes with the service.

Mr B.S. WYATT: Can I follow-up on that? I want to confirm with the director general that 11 of the 12 service providers in the patrol want that transfer to take place.

Mr C. Weeks: That is right; yes.

Mr B.S. WYATT: I refer to the Kimberley Interpreting Service on the same line item on page 297 of the budget papers referred to by the member for Willagee. The minister will recall some critique around the defunding of KIS late last year. I am curious to learn about the strategy of the department. A statement by the media at the time said that the Department of Aboriginal Affairs gave KIS two years' notice to reduce its reliance on state support. I am curious about where the DAA thinks its likely avenues are for picking up support for KIS outside of the DAA.

Dr K.D. HAMES: I will hand over to the director general.

Mr C. Weeks: The funding that we provided to KIS came through the remote service delivery national partnership agreement. It was a five-year agreement that we had with the commonwealth to co-fund certain services.

Mr B.S. WYATT: Was it a 50–50 split?

Mr C. Weeks: I cannot remember the exact ratio, but I think it was something like 50–50. It was only ever for a five-year period. It was one of those national partnership agreements. We did give significant notice to KIS that we would not have funding past the end of that agreement. However, we are still actively working with the department of justice and other service providers to see whether that service funding can be provided to basically support the administration. We are in an awkward position in that government is granting an organisation to exist on one hand and on the other hand it is coming in and purchasing a service. We did a checklist and found that about 14 government agencies contract KIS from a common-use agreement. If those agencies need the service, there is a predetermined fee that KIS charges. We are now looking for those service providers that utilise the service the most to be able to provide that administrative support so that the organisation can still exist.

Mr B.S. WYATT: As a follow-up question, what was the state annual contribution over those five years?

Mr C. Weeks: I can give the exact figure through Mr Curtis. I think it was in the vicinity of \$200 000 a year.

Mr J. Curtis: In the four years from 2009 to 2013 the Department of Aboriginal Affairs provided \$800 000 in total funding to the Kimberley Interpreting Service.

Mr B.S. WYATT: That is \$200 000 a year?

Mr J. Curtis: That is correct, yes, and then \$100 000 was provided in the subsequent year after the national partnership ceased.

Mr B.S. WYATT: Just again through the minister, Mr Curtis might be able to confirm this: was the deal with the commonwealth 50–50? Was the commonwealth also putting in \$200 000?

Mr J. Curtis: The funding was close to 50–50. During the 2009 to 2013 period, the commonwealth provided a total of \$1.132 million; so that just exceeded the \$800 000. Then in subsequent years, once the RSD ceased, the amount of commonwealth funding on an annual basis increased and the service is currently receiving \$400 000.

Mr B.S. WYATT: I have one final question. Was that just for the administrative costs that the director general talked about or was it for a broader range of work being done by the KIS?

[2.50 pm]

Mr J. Curtis: My understanding is that the funding is to support the administrative component, and also to assist them in setting up a sustainable business model.

Dr K.D. HAMES: I think that we have paid through health for interpretative services through them.

Mr B.S. WYATT: Was that through the KIS?

Dr K.D. HAMES: Yes, and other organisations, too. We buy the service. There was a suggestion that we pay a lot more, but it was not very competitive.

Mr B.S. WYATT: Compared to whom?

Dr K.D. HAMES: I do not know; I had better not say because I do not recall the briefing exactly. As I recall, it was a very significant increase in cost.

Mr P.C. TINLEY: I refer to the total cost of services on page 297 of the *Budget Statements*. I would not mind being guided as to where this expenditure might have come from. I received a nice glossy book compiled by the research unit called *They Served With Honour*, which describes 13 Aboriginal war veterans.

Dr K.D. HAMES: I saw that.

Mr P.C. TINLEY: How much was the total cost of that research publication?

Mr C. Weeks: I may refer to this to Mr Curtis. The research element was conducted by officers within the department. It was in-kind FTE support, so we did not bring in external people. We have a unit that looks through our quite extensive family history records. We provided some money for the first iteration of the copies of the first publication, but then the Department of Education have ordered some copies that it will purchase. Also, the Returned and Services League of Australia was interested in purchasing some copies for its members. Mr Curtis should be able to provide the details.

Mr J. Curtis: The cost of the publication was \$12 250. As the director general indicated, the work undertaken to develop the book was through the existing FTE. As to the printing of the book, the electronic version on the department's website is free of charge. It has received over 1 300 visits since the publication was launched. We are undertaking a print run of approximately 15 000 books, which includes an order from the Department of Education as well as the Catholic Education Office so that each school in Western Australia receives a copy. We have also received significant orders from the Swan Chamber of Commerce in Midland and the City of Cockburn.

Mr P.C. TINLEY: Given that that is covering only 13 service personnel, in the interests of completeness and certainly the completeness of history, for the First World War at least, not to mention subsequent wars, is there an intention to continue with the project to have a fuller account of the contribution from Aboriginal servicepersons?

Mr C. Weeks: Yes, there is. I think we identified close to 100 soldiers who served. The amount of time and effort it took to do this with a small team meant that we had only enough time to coincide with Anzac Day to do that first 13—but there is an intention to do further work. Obviously resources are getting tighter. However, we have demonstrated that there is a whole range of stakeholders outside of government who are interested in it and will contribute to the costs of its publication.

Mr P.C. TINLEY: It is a five-year war, so there are five years to get it right.

Dr K.D. HAMES: To add my two bobs' worth, I thought it was a great publication and a lot of people will be interested in seeing you work progressively on that, perhaps each Anzac Day with another sequence.

Mr R.H. COOK: My question relates to the better utilisation of the Aboriginal Lands Trust Estate to achieve shared social and economic outcomes, which is referred to on page 299 of the *Budget Statements*. I am interested particularly in the process by which the Aboriginal Lands Trust divests itself of holdings and passes those parcels of land on to Aboriginal groups. How many have the ALT divested in the past year? What is the expected volume of divestments in following years? Please provide some commentary about the process of consultation in relation to that process.

Dr K.D. HAMES: Just to add, as the member for Kwinana knows, this has been going on for a long time. Fifteen years ago I was handing over land through the ALT to Aboriginal groups, particularly in the Dampier Peninsula area, where the government was able to consult extensively with Aboriginal people and work out whose land was whose and hand that over to the control of Aboriginal people. I hope that has given time for the DG to find an answer to that question.

Mr C. Weeks: The chief land officer will have the exact number. Part of the problem with divestment is not the appetite to divest that land back. I do not think government has any intention to keep that 20 million hectares of land; it should go back to Aboriginal people. One of the issues is that their advisers advise them of the liability for taking back some of the lands and the assets associated with it. It is not a matter of just picking a parcel of land and handing that over. There needs to be some funding that either supports the upgrade of the assets on the land or ensuring that they are in a condition to be handed over without it being an extreme liability. Part of the other issue is handing the property over and what type of tenure the land is. We see more that some of the restrictive tenure types means that it goes back to Aboriginal groups and they cannot actually do anything with the land. My perspective is that we should do something about altering that tenure so that when we hand it over,

Mr Ian Blayney; Mr Ben Wyatt; Dr Kim Hames; Mr Roger Cook; Mr John McGrath; Mr Peter Tinley; Mrs
Glenys Godfrey; Mr Vincent Catania

some of the heavy lifting has been done and Aboriginal groups can leverage business opportunities or utilise that land for other things. The chief land officer might have the exact number of divestments.

Mr N. Thomson: It is a complex process because, as the director general has laid out, the state of the land and how that is handed back is of concern to the native title bodies with whom we deal. Notwithstanding that, this year we are in the process of conveying three parcels of land to a group called Moorditj Koort, some titles in Medina, in order to assist that community group to utilise that asset. That has been negotiated and finalised. Coupled with that is the broader south west settlement where over 30 parcels of land have been indicated for divestment back to the trust when that is established. I am advised that the earliest it is possible for that to occur will be July next year. Of course, it depends on negotiations through to that process. The Aboriginal Lands Trust, which holds the vast majority of those lands, is obviously working very closely as part of the Indigenous Land Use Agreement process that is currently being negotiated.

Further to the comments made by the director general, the issue becomes a lot more complex in the living areas in the regions and some of the town-based reserves. There are a number of policies around that. The big issue there is looking at bringing in a land tenure reform process as well so that it is not simply a matter of handing back a reserve, but it is important to hand back something that provides an economic opportunity for the native title body. That work is ongoing and involves an extensive amount of consultation at the moment, particularly throughout the northern part of the state where the vast majority of people live.

Mr B.S. WYATT: Can the minister give me any updates on the Cullacabardee community? It is a matter I have raised before with the director general. My office has had a lot of contact over the past six months about Cullacabardee. Is the department involved in at least trying to normalise some of the management there?

Mr C. Weeks: We have an officer who still visits Cullacabardee. I know the chief land officer visited a few weeks ago. We have some statistics from the local police. There have been some issues around the reporting of crime in the community. The stats are showing that the rates have gone down.

Mr B.S. WYATT: I refer more to complaints around the management of housing.

Mr C. Weeks: We will certainly look at it. One of the issues is that the corporation is constituted under the Office of the Registrar of Indigenous Corporations, so the commonwealth government as opposed to the state government. Notwithstanding that, we will still go out to see whether we can assist.

The appropriation was recommended.

[3.00 pm]